

DeVincenzo Albritton #1016653
RiverNorth Correctional Center (RNCC)
329 Dellbrook Lane
Independence, VA 23348

To: MS Jamie/Case worker
U.S. District Court, Norfolk, VA.

Re: Statement of Retaliation
and denial/violations
of Access to the Courts
By RNCC prison officials
caused my late & untimely
August 16th / 2023 filing in: 2:20 CV 463
2:18 CV 689

Dear MS Jamie and Judge Allen-Wright,

These prison
Officials at RNCC are currently retaliating against me
and are stopping me from preparing and filing my Court
paperwork as they are locking me up in segregation (Exhibit #1)
giving me false prison charges, (Exhibit #2) stealing and destroying my legal-
Court paperwork, and keeping me out of the Law library and
denying me further copies and Notary! I have prepared what
I could and had to Rewrite some of the material RNCC staff
stole from me on August 11, 2023, MS Hash, Counselor Mallory, and
Intel C/o K. Lowe interfered with my Rights to file paperwork!
I filed a motion to Amend and Supplement the Relevant RNCC
Staff to my pending Civil Action in the U.S. District Court, Roanoke,
No. 7:22 CV 306! I also filed for a preliminary Injunction asking
to be moved back to Sussex I for my pending State jury Trials
and to get away from this RNCC Retaliation! (Exhibit #3) I need Help and
I can't work and process my case in this Court under these conditions!
Please Excuse my untimely filing which is caused by RNCC Staff!! ~~Exhibit #3~~



Virginia Department of Corrections

Institutional Classification Authority Hearing Notification Form

DOC-11G

DOC Location: River North Correctional Center

Report generated by Jones, J S

Report run on 07/20/2023 at 03:29 PM

Offender Name: Albritton, Devinchi J

DOC#: 1016653

DOC Location: River North Correctional Center

Part I: ICA Referral Notice

Classification Action being reviewed: Internal Status

* Comments: Inmate Albritton D.#1016653 placed in RHU per Intel for investigation..

You will be scheduled to appear before the Institutional Classification Authority on or after 07/31/2023

Authorizing Staff *LT Jones*Date & Time *7-20-2023 3:25pm*

A formal due process hearing is required when an offender is considered for removal from general population, or faces the possibility of increase in security level or reduction in good time earning level outside the Annual Review Cycle. You will be permitted to: 1) Be present at the hearing 2) Remain silent 3) Know the reasons for any decisions rendered by the ICA 4) Have your counselor or an employee present to assist you 5) Receive a copy of the written findings and recommendations of the ICA. During hearings based solely on documented Disciplinary Hearing Referrals the following is not afforded to you: 1) Hearing the Reporting Officer's testimony 2) Cross-examining adverse witnesses 3) Calling and cross-examining witnesses.

This is to certify that I have received a copy of this notice and it was explained to me. I am requesting witness/s to appear on my behalf.

Witness Request: *want to call one*
1 *but don't know for what* 2 _____ 3 _____

I Waive rights to 48-hour notice. ☐ Yes ☒ NoI wish to attend. ☒ Yes ☐ NoOffender Signature *[Signature]*Date *July 20/2023*Witness Signature *[Signature]*Date *7-20-23*

DeVince Javon Albritton #1016653 (Exhibit #2)
River North Correctional Center
329 Dellbrook Lane
Independence, Virginia 24348

To:
The Secretary of the Commonwealth
P.O. Box 2434
Richmond, VA 23218

Re: Request for a Review
and Investigation of
RNCC prison official Fraud,
Corruption, and Criminal
actions as a matter of fact &
Law

August 11, 2023

To whom this may concern, I am writing this letter to respectfully ask that a Review and Investigation be opened and conducted in regards to the River North Correctional Center prison officials committing Criminal Acts of Fraud and Corruption where they are retaliating against me for exercising my Constitutional Rights of Access to the Courts and filing prison complaints. I filed numerous Signed and Notarized documents to the Virginia Beach Circuit Court to pay my outstanding court fines and costs under Va. Code § 19.2-354 but when RNCC staff found out that I had been working to pay down my court debts, on July 20, 2023, they conspired and acted in concert to charge me with a false §23 prison charge, locked me up in Isolation, took all my property, privileges, and found me guilty in a "Kangaroo" Hearing with no due process or rights to any Evidence or witnesses, and also ignored the fact that I produced and showed Evidence that I was innocent. I have enclosed herewith relevant copies of documentation / Exhibit(s) and I have filed the same in both State and Federal courts. The fact of the matter is that these RNCC officials have alleged that I altered and forged my Lawrenceville Resident Account Summary (Exhibit # *). However, it just so happens that I had

* The RNCC took and gave me a prison charge for attempting to make page 1 copies, but I filed with US Dist Ct. 7:22-cv-306 (Ex 3)

Submitted the Original signed and Notarized document in to the Virginia Beach Circuit Court Clerk, which then returned the Original Signed and Notarized ~~document~~ Back to me and it is now in my possession!!

Nevertheless, I showed RNCL officials this Original paper Signed and Notarized, but they said that there is nothing I can do to stop them, because this is their prison! RNCL officials are clearly lying, because at the Hearing I showed this Original signed and Notarized paperwork proving Counselor Kayla Mallory's Statement that she never signed my Lawrenceville Resident Account Summary on April 14, 2023, to be clearly false, and there is no way I altered or forged her signature or Justin Wooten's Notary! Please, I need someone to come and inspect my original signed and Notarized Lawrenceville Resident Account Summary and upon inspection to find that (1) As a matter of fact and Law Counselor Kayla Dawn Mallory did sign on Page 8 of DeVinche AlBritton's Lawrenceville Resident Account Summary on April 14, 2023, which was duly Notarized by Justin Lee Wooten, REG #7859635 (Exhibit ~~#8~~ ^{They took it!}) and that such was in no way altered or forged by AlBritton; (2) That RNCL prison officials Violated Various Criminal Va. Codes and Federal Civil Rights in charging and punishing AlBritton for possessing and submitting the signed and Notarized copies of his Lawrenceville Resident Account Summary for the purposes of Va. Code § 19.2-354. Please send someone to examine my original signed and Notarized Documentation and give me Justice for what has been done to me! Respectfully Submitted

page 2



(Exhibit #2)



Virginia Department of Corrections

Disciplinary Offense Report

Report generated by Bolt, L

Report run on 07/21/2023 at 02:20 PM

Case Number: <u>RNCC-2023-1188</u>	Offender Name: <u>Albritton, Devinchi J</u>	DOC # <u>1016653</u>	Housing: <u>A248</u> <u>A-2-248B</u>
Facility: <u>River North Correctional Center</u>		Reference: _____	
Offense Code: <u>123</u>	Offense Title: <u>Commission of fraud or bribery by any means of communication</u>		
Offense Date: <u>07/21/2023</u>	Approximate Time: <u>10:00 AM</u> Location: _____		

DESCRIPTION OF THE OFFENSE

Provide a summary of the details of the offense (i.e.: who, what, when, where, and how; any unusual behavior, any physical evidence and its disposition, and any immediate action taken – including use of force, etc.)

On 7/20/23 an investigation began when information was received that Inmate Albritton #1016653 had altered and forged paystubs from Lawrenceville Correctional Center that was notarized by Counselor J. Wooten and signed Counselor K. Mallory. After reviewing evidence, the pay stubs have been copied with an attached notary and signature that was not original to that document. I Intel Officer Lowe am charging Inmate Albritton for commission of fraud or bribery by any means of communication per OP 861.1. The time and date on the charge is the time and date the investigation was completed.

☒ Investigation Date Completed: 07/21/2023 ☐ DESCRIPTION CONTINUED ON ATTACHED PAGE

Witnesses: _____ _____ _____	Reporting Officer: <u>Lowe, K</u> Title: <u>Correctional Officer</u> Date: <u>07/21/2023</u> Time: <u>10:37 AM</u>
Officer -In-Charge: <u>Bolt, L</u> OIC Signature: <u>[Signature]</u>	Title: <u>Lieutenant</u> Date: <u>07/21/2023</u> Time: <u>2:19 PM</u>

ADVISEMENT OF RIGHTS

By signing below, you indicate your preference regarding the rights indicated. Failure to respond, or indicate a preference, constitutes a **WAIVER** of the first three rights. The following forms are available to the offender **UPON REQUEST** in each housing unit: *Witness Request Form*, *Documentary Evidence Request Form*, and the *Reporting Officer Response Form*. The offender must submit these request forms to the Hearings Officer within **48-HOURS** of the charge being served.

DO YOU REQUEST A STAFF OR OFFENDER ADVISOR TO ASSIST YOU AT THE HEARING?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> REFUSED TO RESPOND
DO YOU WISH TO REQUEST WITNESSES?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> REFUSED TO RESPOND
DO YOU WISH TO REQUEST DOCUMENTARY EVIDENCE?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> REFUSED TO RESPOND
DO YOU WISH TO WAIVE YOUR RIGHT TO 24 HOUR PREPARATION TIME PRIOR TO THE HEARING?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> REFUSED TO RESPOND
DO YOU WISH TO APPEAR AT THE DISCIPLINARY HEARING? Refusal to appear is an admission of guilt, a waiver of witnesses and the right to a disciplinary hearing.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> REFUSED TO RESPOND
YOU HAVE THE RIGHT TO QUESTION REPORTING OFFICER (In person for Category I Offenses; by submitting a Reporting Officer Response Form for Category II Offenses)	
YOU HAVE THE RIGHT TO ENTER INTO A PENALTY OFFER.	
YOU MAY REMAIN SILENT. Silence does NOT constitute an admission of guilt.	
THE CHARGE MAY BE VACATED AND RE-SERVED AS A DIFFERENT OFFENSE, WHICH CAN BE A HIGHER, EQUIVALENT OR LESSER OFFENSE CODE.	
YOU MAY BE FOUND GUILTY OF A LESSER-INCLUDED OFFENSE CODE, IN ACCORDANCE WITH OPERATING PROCEDURE 861.1	

You have been informed of the charges against you, and advised of your rights at the Disciplinary Hearing.

Served and Witnessed By: <u>[Signature]</u> Print Name: <u>Sgt. Caley</u>	Offender's Signature: <u>[Signature]</u> Print Name: <u>Devinche Albritton</u>
Date of Service: <u>7-21-23</u>	Approximate Time: <u>4:02 pm</u>

IF OFFENDER REFUSES TO SIGN, SERVING OFFICER WILL CERTIFY REFUSAL: _____

ADVISOR AT SERVICE OF DOR: _____ FORMS PROVIDED AT SERVICE (IF REQUESTED): ☐ Yes ☐ No
Date of Hearing: 08/07/2023 Revised Date: _____ Revised Date: _____ Revised Date: _____

DEPARTMENT OF CORRECTIONS

Witness Request Form 861_F5_4-16

Witness Request Form

Case Number: RNCL-2023-1188

Offender Name: Devinche Albritton Offender Number: 1016653 Housing: D-129

Offense Code: 123 Offense Title: Commission of Fraud or Bribery by any means of

Offense Date: 7-21-23 Approximate Time: 10:00 ☒ AM ☐ PM Location: _____

In the space below, please provide a statement as to the direct knowledge your witness(es) have to this incident.

You may list all of your witnesses on this form, and a separate sheet will be sent by the Hearings Officer to the witness, if deemed relevant. You must submit this form directly to the Hearings Officer within 48-hours of service of the charge. You may request the assistance of an advisor if needed.

I request the following person(s) to provide a statement for the above offense:

Offender Witness: _____ Offender Number(if known): _____ Housing: _____

Knowledge of Incident: _____
☐ Relevant ☐ Not Relevant Hearings Officer Initials: _____

Offender Witness: _____ Offender Number(if known): _____ Housing: _____

Knowledge of Incident: _____
☐ Relevant ☐ Not Relevant Hearings Officer Initials: _____

Offender Witness: _____ Offender Number(if known): _____ Housing: _____

Knowledge of Incident: _____
☐ Relevant ☐ Not Relevant Hearings Officer Initials: _____

Staff Witness: MS K. Mallory Title (if known): Bravo #2 Counselor

Knowledge of Incident: That on April 12, 2023, when I was called for copies, MR Wooten agreed to attach the witness verification to my Lawrenceville Account Summary, He copied it, Asked MS Mallory to sign, Notarized it, and I never
☐ Relevant ☒ Not Relevant Hearings Officer Initials: AK Touched the copy machine

Staff Witness: _____ Title (if known): _____

Knowledge of Incident: _____
☐ Relevant ☐ Not Relevant Hearings Officer Initials: _____

Outside Witness: The Virginia Beach Circuit Clerk's Office

Address: 2425 Nimmo PKwy, Va Beach, VA 23456

Knowledge of Incident: That on April 14, 2023, I filed the original signed and Notarized Lawrenceville Account Summary by MS Mallory and MR Wooten
☐ Relevant ☒ Not Relevant Hearings Officer Initials: AK

Offender Signature: [Signature] Date: July 28, 2023

HEARINGS OFFICER REVIEW

- ☐ Request DENIED - offender failed to submit request within 48-hours to the Hearings Officer.
☐ Request is incomplete and will not be processed.

Hearings Officer: [Signature] Date: 7/31/2023

Print Name: [Signature]

Case Number: RNCC-2023-1188 Offender Name: Albritton, Devinchi J DOC # 1016653 Housing: A-2-248B
 Facility: River North Correctional Center Reference: _____

OFFENDER'S PLEA AND RIGHTS

Hearing Location: River North Correctional Center Date: 08/07/2023 Time: 8:44 AM

Plea: ☐ Guilty ☒ Not Guilty ☐ No Plea

Advisor at hearing: Counselor Newman

Reason for absence/exclusion of the accused offender: N/A

(Exhibit #2)

Was the Reporting Officer present at the Disciplinary hearing? ☒ Yes ☐ No

Has there been a denial of requested witnesses? ☐ Yes ☒ No

Has there been a denial of Documentary Evidence Forms? ☐ Yes ☒ No

DECISION OF THE HEARINGS OFFICER

☒ Guilty ☐ Not Guilty ☐ Dismissed ☐ Accepted Penalty Offer within 24 Hours of Service

☐ Informal Resolution ☐ Reduced to Lesser-Included Offense ☐ Reduced Penalty

☐ Vacated - Offender waived rewrite/serve of offense ☐ Verdict for Rewrite/Re-serve

☒ For the charge of: Offense Title: 123 - Commission of fraud or bribery by any means of communication

☐ For the Lesser Included Offense of:

Offense Title: _____

Reason for Decision:

*??

Based on the evidence in the DOR as well as the in-person testimony of intel officer Lowe, inmate Albritton was found guilty of the 123 offense code. Inmate Albritton stated that he had the original copy sent back from the court and that it was signed by counselor Mallory. Intel Officer Lowe was able to provide a statement from counselor Mallory that she did not sign the form that was in question. Intel officer Lowe was able to testify that she had spoken to the court system as well as counselor Mallory and Sgt. Robinson, all which corroborate what was written in the DOR. Based on the information given in the DOR and the testimony of intel officer Lowe, there is beyond a reasonable doubt that inmate Albritton has forged the document that was sent in to the court.

Penalty: 4a - Fine up to \$15 - Imposed Value: 12 Dollars

Comment: _____

Hearing Officer's Signature: _____

Date: 08/07/2023

Print Name: King, A

INSTITUTIONAL REVIEW:

☒ Approved ☐ Dismissed ☐ Suspended ☐ Informal Resolution

☐ Reduced Penalty ☐ Rehear ☐ Reduced to Lesser-Included Offense

☒ For the charge of: Offense Title: 123 - Commission of fraud or bribery by any means of communication

☐ For the Lesser Included Offense of:

Offense Title: _____

Comments: _____

Penalty: 4a - Fine up to \$15 - Imposed Value: 12 Dollars

Signature: _____

Date: 8-7-23

Print Name: J. Butler

Title: Asst. Warden

(Exhibit #2)



OFFICE OF THE CLERK OF CIRCUIT COURT
2425 NIMMO PARKWAY BLDG. 10
VIRGINIA BEACH, VIRGINIA 23456

November 4, 2022

DeVince Javon Albritton #1016653
Rivernorth Correctional Center
329 Dellbrook Lane
Independence, Virginia 24348

RE: Community Service Hours

Mr. Albritton,

Our office is in receipt of your request to credit hours of work performed prior to July 1, 2020, at a Virginia Department of Corrections facility as community service to satisfy unpaid fines and/or court costs.

I presented your request to Judge Frucci and he advised that you must have your pay statements and forms certified by DOC for the Court to consider your request. They must also be original documents.

Once you have the necessary certified documents completed, submit them to our office along with your Virginia Department of Corrections Pay Statement(s). Pay statements must be on the correctional facility's official letterhead or official pay statement invoices.

Once received, our office will process your request

Deborah Stolle,
MDCCC
Virginia Beach Circuit Court
(757) 385-4625



Grievance Receipt

(Exhibit #2)

DOC Location: RNCC River North Correctional Center

Report generated by Adkins, L E

Report run on 08/02/2023 at 08:29 AM

Grievance Number: RNCC-23-INF-01307

Next Action Date: 08/17/2023 12:00 AM

On this date:	08/02/2023	I have received a statement from:
Albritton, Devinchi J	1016653	River North Correctional Center
	of	D-1-129-B
(Offender Name and DOC#)		(Filed Location and Housing)
Setting out the following complaint:		
D-129 Inmate D. Albritton claims: "That my 1st, 8th, and 14th amendment rights have been violated where on July 20,2023, I was retaliated against and unconstitutionally locked up in isolation for exercising my constitutional rights of access to the courts under VA Code 19.2-354(c)(i) by having RNCC prison officials, former counselor Mr Wooten and Ms K. Mallor, attach, sign, certify, and notarized my Lawrenceville Corr-Center, Resident Account Summary that I filed in the VA Beach Circuit Court and with the Director of Offender Management Seiv, in VDOC Richmond. When I was called for legal copies, I had asked Mr. Wooten if he could attach teh Dept of Corrections Official Certification to my Lawrenceville Resident Account Summary Mr Wooten agreed, he copied the attachment on page 8, asked Ms Mallory to sign it, then Mr Wooten Notarized it. Now that Mr Wooten has resigned his job at RNCC, I am being punished for Mr Wooten assistance in submitting my information to the courts.		
(Signature)		(Title)

IN THE UNITED STATES DISTRICT COURT
For The WESTERN DISTRICT OF VIRGINIA
Roanoke Division

(Exhibit #3)

DeVince J. AlBritton,
V. Plaintiff
David Anderson et al,
Defendant(s)

Civil Action No. 7:22cv306

Plaintiff's Request for a Preliminary Injunction

Comes Now, DeVince J. AlBritton, prose, the plaintiff in the above styled cause of action, who respectfully moves this Honorable Court to issue and Grant Plaintiff's request for a preliminary Injunction, to order the relevant defendant(s) having authority, to effectuate a prison transfer from RiverNorth Correctional Center to the Sussex I State Prison as to stop and end the ongoing retaliation and threat against Plaintiff's life and safety and states the following in support thereof:

- (1) Plaintiff AlBritton has filed a pending §1983 civil action against relevant RNCC prison officials some of whom are also married and related to other RNCC prison officials who will seek to do Plaintiff harm and that he is constantly being threatened and retaliated against with false charges.
- (2) Plaintiff AlBritton possess knowledge about where RNCC Assistant Warden Bateman's family lives in Martinsville area of

Virginia where Plaintiff's former cell partner Thomas Joe-Braxton III, had discussed with him details as to his personal relationship growing up with and around Asst Warden Bateman and his family and where they lived. Bateman had Braxton transferred for his knowledge thus, Plaintiff having the same also should be moved to another facility to avoid Asst Warden Bateman's information to spread.

(3) Plaintiff Al Britton states that Sussex I State Prison is a High Level-5 facility and that he is actually sacrificing additional liberty and privileges in order to escape further retaliation and harm to his life and safety by RNCL prison officials.

(4) Plaintiff Al Britton states that he also has pending Jury Trials in the County of Sussex where he will eventually have to be transported to that Sussex prison facility, thus in the interest of Justice against further retaliation and harm to his life and safety, the relevant Defendant(s) should be ordered to transfer Plaintiff to Sussex I State Prison which is a Higher level Security-5 facility. (see Exhibit(s) #1 & 2)

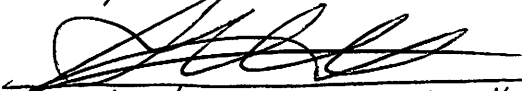
(5) Plaintiff Al Britton states that should he be made & forced to remain here at RNCL, he believes that RNCL prison officials intend to do further substantial harm to his life and safety as he maintains his Federal § 1983 Lawsuit pending against them.

Closing Statement

(Exhibit #3)

WHEREFORE, Plaintiff DeVinche J. Albritton, prays this Honorable Court upon consideration of the Facts and Documentation presented and for Good Cause given, to Grant his request for a preliminary Injunction, to thereby order and Direct the relevant Defendant(s) to Transfer Plaintiff to the Sussex I State Prison, which is a Higher Security Level-5 prison, away from further Retaliation by RNCC prison officials named in Plaintiff's pending Federal Lawsuit and for him to attend his pending Jury Civil Trials as requested by the Orders of Sussex Circuit Court Judge Sharrett, in the interests of Justice,

Respectfully Submitted,


 DeVinche J. Albritton #1016653
 River North Correctional Center
 329 Dellbrook Lane
 Independence, VA 24348
Certificate of Service

I, DeVinche Albritton do swear that a true copy of this foregoing request for a preliminary Injunction has been mailed to:
 Defendant(s) Attorney: Ms Laura Maughan, AA6, Office of the VA Attorney General, 202 North 9th Street, Richmond, VA 23219 on this 8th day of August 2023.


 DeVinche Albritton

(Exhibit #3)

SIXTH JUDICIAL CIRCUIT



W. EDWARD TOMKO, III, CHIEF JUDGE
CARSON E. SAUNDERS, JR., JUDGE
WALLACE W. BRITTLE, JR., JUDGE
W. ALLAN SHARRETT, RETIRED JUDGE
ROBERT G. O'HARA, JR., RETIRED JUDGE
SUSAN C. CHAPPELL, COURT ADMINISTRATOR
P.O. BOX 280
PRINCE GEORGE, VIRGINIA 23875
(804) 733-2623

COMMONWEALTH OF VIRGINIA

CIRCUIT COURT OF CITY OF HOPEWELL
CIRCUIT COURT OF BRUNSWICK COUNTY
CIRCUIT COURT OF GREENSVILLE COUNTY/CITY OF EMPORIA
CIRCUIT COURT OF PRINCE GEORGE COUNTY
CIRCUIT COURT OF SURRY COUNTY
CIRCUIT COURT OF SUSSEX COUNTY


July 24, 2023

VADOC Centralized Mail Distribution Center
DeVince Javon Albritton, Inmate # 1016653
3521 Woods Way
State Farm, Virginia

Stacie A. Sessoms, Esq., Assistant Attorney General
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219

In Re: DeVince Javon Albritton v. Commonwealth of Virginia
Sussex CL19-32-01

Dear Counsel:

 The above styled case has been set for a 2 day jury trial in the Sussex Circuit Court on February 29 and March 1, 2024 at 9:00 a.m. Counsel should prepare and submit a pre-trial scheduling Order to the Clerk for entry by the Court

Jury instructions are due not later than 2 weeks prior to the Court date. A clean copy should be filed with the Clerk's Office and a cited copy sent in the mail to the presiding judge. Please do not fax jury instructions. If one side or the other is not submitting jury instructions, please advise in writing as to the reason why. Counsel should prepare and submit a pre-trial scheduling Order.

All matters regarding settlement, dismissal, nonsuit, continuance or scheduling in the trial or hearing of this case should be coordinated through this office.

Sincerely,

Susan C. Chappell

Susan C. Chappell
Court Administrator

cc: The Hon. Carson E. Saunders, Jr., Judge
The Hon. Gary M. Williams, Clerk, Sussex Circuit Court